

NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.

**CITY PLANNING COMMISSION
REGULAR MEETING
July 21, 2005**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:55 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glaser, Glenn, Simons, Wendler and Williams. Absent were Commissioners Jeffrey (excused) and Smith (excused).

Agenda: The Agenda was amended to include under New Business, discussion on the CPC meeting schedule for the months of August and September 2005.

Minutes: **ACTION:** Commissioner Glenn moved to approve the minutes of the Regular Meeting of July 7, 2005.
Commissioner Christensen seconded the motion.
Motion carried.

DISC.--
Update on Code Enforcement: Medina Noor, Director, Department of Administrative Hearings (DAH) and Sarah Lile, Director, Department of Environmental Affairs gave an update on code enforcement.

Ms. Noor responded to questions of the Commission.

Hearing officers at the DAH can move to postpone or adjourn a hearing. A hearing officer might dismiss a case if the City has not proven its case against an alleged violator. A hearing officer could also ask for an adjournment or a dismissal if the City inspector doesn't show up for the hearing. If the City inspector fails to appear at a hearing, it is usually because the inspector did not have any knowledge about the date of the hearing, or an extreme emergency arose.

Commissioner Glenn cited the DAH's rules and regulations that indicate that one cannot just arbitrarily dismiss a case without good cause. Commissioner Glenn noted that on one day he observed the inspector dismissing six consecutive cases. There is nothing in the written rules and procedures that allows the inspector to adjourn his own cases.

Ms. Noor explained the difference between adjournment and dismissal. If the hearing officer adjourns a hearing, the case would be rescheduled to a new hearing date. The policy, however, is to hold the hearing on the originally scheduled date. Hearing dates are pre-determined. The inspectors are given the dates of the hearings. However, elements may exist that may require an adjournment. Adjourning to a new date gives the inspector the

opportunity to obtain more information to support the City's case.

Commissioner Cason inquired as to whether the DAH sees any trends in the number, type and location of violations. Ms. Noor responded that the DAH does not yet have the capability for such analysis. The DAH is in the process of selecting a ticket processing software vendor. The DAH staff is very small consisting of five employees and three hearing officers. Currently, the DAH is using a software program package that was prepared by the City's Department of ITS. The present system does not have reporting capabilities. For example, the system does not allow for the tracking of tickets by zip code or cluster. The new software will be able to handle those kinds of queries.

Commissioner Glenn cited one of the DAH's rules and regulations which states that lack of preparation is not grounds for adjournment. Again, he inquired as to why an inspector, rather than the hearing officer, was allowed to adjourn a case. Ms. Noor again reviewed the rules for adjournment. The City must come to the Department prepared to support its case against the violator.

Ms. Lile noted that the inspectors from the Department of Environmental Affairs (DEA) are responsible for issuing tickets for violating Chapter 22. Sometimes at the hearings there may be evidence that there aren't sufficient facts. An adjournment may be requested. For example, an inspector may see material dumped on vacant or abandoned parcels. They will write a ticket to the owner of the property. They also try to determine whether the materials was left on that site or originated from that particular site. The hearing officer will ask the inspector how he/she came up with charging a particular address and a particular owner. If the inspectors determined that it came from that particular site, there is no problem. However, if it could be contested, the inspector will ask for adjournment in order to obtain additional information for prosecution at a later date. Also cases based on complaints from third parties may result in adjournments. Someone saw someone else do something illegally. The inspector goes out and investigates. It is up to the inspector to verify that a violation occurred. If at the hearing the inspector perceives that the hearing officer does not have enough evidence to proceed with prosecution, the inspector might feel it is better to seek an adjournment. The inspector would then have the opportunity to obtain additional information and/or see if the third party will attend the hearing. Ms. Lile emphasized that the inspectors from the DEA are trained to be prepared. However, there are rare instances where additional information is needed or something else is being asked.

Commissioner Glenn inquired as to whether an inspector has the right to adjourn a case. Mr. Lile responded negatively but pointed out that they do have the discretion to ask for an adjournment if they feel that the case might be dismissed for lack of evidence on the City's part.

Commissioner Wendler recommended providing community organizations with an information sheet delineating what is needed to assure that third party complaints are not dismissed. Ms. Lile noted that the City is already providing such information at community meetings and other venues. The City recognizes that many citizens do not want to confront the violator directly. The City urges the taking of photographs, license plate numbers, etc. for evidence purposes.

The DEA has not had another printing of its illegal dumping informational brochure. However, the DEA always tells the citizens what information the City would like to have in order to prosecute. The City also encourages the third party complainants to appear at the hearings. If there are questions at the hearing, the third party could answer them. Ms. Lile noted that the DEA has spoke to many community organizations. All of them have been very cooperative and helpful in disseminating information. Commissioner Wendler noted that if needed, the CPC office would be willing to share its community organization database with the DEA for the purpose of disseminating information.

Commissioner Christensen questioned whether minor violations, such as the early placing of bulk pickup or Courville containers, are adjourned or dismissed if the inspector does not show up for the hearing. Ms. Noor noted that the decision to adjourn or dismiss would be left up to the hearing officer. However, generally speaking, the hearing officer usually dismisses the case. Commissioner Christensen supported the dismissal rather than adjournment of such cases citing unfairness for the violator to have to take another day off of work to attend another hearing, etc. However, if the early placement of the containers or bulk pickup is habitual, the cases should not be dismissed.

As to concerns regarding security at the DAH building, Ms. Noor noted the addition of two security guards, one of whom is armed.

Ms. Noor noted that 22,932 tickets have been issued since January 2005--10,449 representing environmental zoning and property maintenance violations; 8,027 representing zoning; and 4,456 representing solid waste and illegal dumping. A total of \$717,197.01 has been collected in fines.

Commissioner Christensen inquired as to the type of violations being written under the category property maintenance. Ms. Noor responded that violations are being written for failure to obtain a certificate of compliance of inspection, and failure to register rental property.

Commissioner Glaser noted that a citizen who lives in the City Airport area received a ticket for having a boarded window. However, city-owned property in the immediate area is in far worse condition. The citizen attended the hearing and was allotted extra time to repair her house. Commissioner Glaser inquired as to how the DAH is assisting citizens who live in poverty and may not have the money to correct violations.

Ms. Lile noted that if it is a question of property maintenance, the Buildings and Safety Engineering Department (B&SE) generally will issue a ticket regarding a certificate of compliance. The violator will have a certain period of time to bring that property into compliance. If the property is not brought into compliance, the ticket is sent to the DAH. The B&SE, however, does try to work with the owners of the property before issuing a ticket.

Commissioner Glaser reiterated that the citizen does not have the money to repair the window and is residing next door to city-owned property in worse shape. Ms. Lile noted that in the past, citizens were referred to the Planning and Development Department

(P&DD) to obtain assistance from the Community Development Block Grant program. Cuts in the City's entitlement due to a loss of population have had a negative effect on the continuation of programs. P&DD used to operate a senior citizens program. The program is now virtually non-existent. There is still grant or loan money available from the Human Services Department. Ms. Noor noted that the DAH refers such citizens to the Mayor's office, the Human Services Department and to Wayne Co. Ms. Noor noted that she would need more information on the particular situation and would research the case. Ms. Noor guessed that the citizen received a notice of violation and had not attended a hearing at the DAH.

Commissioner Glenn inquired as to whether the community could be notified of the dates of hearing in their particular area. Ms. Noor responded that presently, the DAH is only able to query a case by last name of the property owner or the violation number. Ms. Noor noted that steps are being taken to integrate different systems being used by the various departments. If a ticket was issued, Ms. Lile suggested calling 311 to ask the date of the hearing for a certain address. The request will be referred to the proper department and someone will get back to the inquirer. Ms. Lile noted that future plans call for the installation of kiosks where citizens will be able to query the system.

In response to Commissioner Simons, Ms. Lile responded 70-80% of complaints to the DEA are now being received through the 311 call center.

In response to Commissioner Simons, Ms. Lile noted that bulk pick up will be scheduled every month April through September. At this point, the DEA is not sure what will take place. The citizens will receive notice of the new schedule.

Ms. Noor indicated that the office of the DAH is still in the implementation phase. The DAH is continuing to "tweak" the process.

PUBLIC
HEARING—
Request of
Grand Van
Dyke LLC
to rezone
property in
area of
Whipple,
Van Dyke,
Gratiot and
Baldwin
from R2
and B4
to B3 for a
shopping
area:

A public hearing was held on the request of Grand Van Dyke LLC to rezone property generally bounded by Whipple, Van Dyke, Gratiot, and the alley east of Baldwin from R2 (Two-family Residential District) and B4 (General Business District) to B3 (Shopping District) to allow for the redevelopment of a neighborhood shopping area.

CPC staff member Kimberly James reviewed the background information, surrounding zoning and land use and proposed development.

The subject site is vacant and contains approximately 4.03 acres of residential and commercial land. The development consists of the demolition of a 23,000 square foot Foodtown grocery store and the construction of a 26,000 grocery store to be situated on the corner of Whipple and Baldwin facing Gratiot. The new store will anchor 24,000 square feet of additional new retail space to be situated as adjacent retail wings and parking for 225 vehicles. The retail along Whipple is to be family-oriented retail containing clothing and shoe stores. The retail on the wing bordering Baldwin is to be service and restaurant oriented. The abutting area contains a Murray's Auto Store on Gratiot Ave. immediately to the west of the Foodtown grocery store that is not included in the rezoning. The surrounding area also contains approximately 6 residences along the east side of Baldwin between Gratiot and Whipple and one residence at the corner of Whipple and Baldwin. An SBC

utility building and parking lot are located immediately to the north of Whipple, and the former M.M. Rose Middle School is located on Van Dyke and Ferry Ave.

The subject site is located within the Kettering subsector of the East Sector of the Detroit Master Plan of Policies. The Existing Land Use map and the Proposed Land Use map for the subject area show General Commercial uses along Gratiot and either medium-density or low-density residential land uses adjacent on the remainder of the site. The Planning and Development Department (P&DD) indicated that the proposal is not consistent with the Master Plan. P&DD is supportive of the project and will be requesting an amendment to the Master Plan.

The CPC office did not receive any correspondence in support of or in opposition to the proposed rezoning.

CPC staff showed pictures of the subject and surrounding site.

Commissioner Simons inquired as to buffering to screen the retail development from the six houses on Baldwin. Ms. James noted the area where the developer is proposing the construction of a four-foot high wall comprised of stone. The alley will also remain open.

Norman Trotter of the P&DD noted that the Department is reviewing the site plan. P&DD supports the project but expressed some concerns regarding the orientation and configuration of the building in that it might be located too close to the community. He felt that the issues could be worked out.

Citing the two buildings north of the subject site, Commissioner Wendler inquired as to whether there are any other plans for the area. She felt that investment in that corner would assist in enhancing the general area. Mr. Trotter noted other proposed projects in the area such as the development of senior citizen housing across from Kettering High School.

Commissioner Glenn expressed concern regarding the large and extremely unattractive cart corrals located in the parking lot of the Foodtown grocery store. He inquired as to whether the developer of the new grocery store would install similar cart corrals. Commissioner Christensen noted that the previous owners of the Foodtown grocery store had originally installed smaller corrals to prevent the theft of carts from the parking lot. However, the smaller rails were unsuccessful in preventing the loss of carts. The owners then installed the larger railings.

Larry Osiecki of Grand Van Dyke LLC noted that the current owner purchased the subject site four years ago. The proposed development has been in the planning stages for the past three years. The owners had originally wanted to purchase the two buildings to the north of the site but SBC said "no." The owners had also approached all of the residents on Baldwin with offers to purchase their property and properly relocate them elsewhere. But the overwhelming response of the owners was "no."

Mr. Osiecki explained the site plan noting that the proposed orientation towards Gratiot Ave. is most appealing for security and aesthetics reasons. He noted constraints in squaring off the structure given the angle of Gratiot Ave. Mr. Osiecki felt that the proposed design is clean and colorful. The shopping center will be a good addition to the City of Detroit. The site plan is not finalized relative to the appearance and location of cart corrals. However, the present set up will not be retained.

Commissioner Williams agreed with the developers in the orientation of the building. Shifting the building would probably create more problems.

Commissioner Williams inquired as to the reasons for constructing a four-foot rather than an eight-foot high wall. The eight-foot high wall may be required given the proximity of the structure to the neighborhood. Mr. Loper noted that CPC staff would check to see if the new Zoning Ordinance requires the construction of an eight-foot high screening wall.

The following persons spoke at the public hearing.

Mark S. Conley, 5433 Baldwin, expressed opposition regarding the construction of the four-foot high wall. The site is now a grassy area and scenic. A wall would say that one is not a part of that community. Trees would be better. The wall would be an attraction for vandalism and graffiti. Commissioners Williams and Christensen pointed out that the wall would prevent the blowing of garbage into the neighborhood and screen trucks and other elements. Mr. Conley was agreeable to the construction of a berm surmounted with trees. Mr. Conley also expressed concern regarding traffic. Trucks already travel down Baldwin. Traffic already uses Baldwin when there is an accident on Gratiot or Van Dyke. Mr. Conley inquired as to where truck deliveries would take place. Ms. James noted that a meeting would be arranged with the developer to discuss details.

Mr. Conley noted that a McDonald's restaurant in the area had constructed a wall and then placed a steel fence on top of that to create a barrier. He inquired as to who will be responsible for picking up the trash.

CPC staff was directed to schedule a meeting with the developer, the P&DD and adjacent residents to answer questions and to address concerns regarding the site plan.

Darlene Conley, 5445 Baldwin, inquired as to whether brand-name stores would be locating to the site. She was invited to attend the meeting with CPC staff, P&DD and adjacent residents to discuss details of the project.

The matter was taken under advisement.

PUBLIC
HEARING-
Request
of Detroit
Inter-
National
Bridge Co.
to rezone
property
adjacent
to the
Ambassa-
dor Bridge
to better
comply
with the
Hubbard-
Richard
Dev.
Plan:

A public hearing was held on the request of the Detroit International Bridge Co. (DIBC) to rezone numerous parcels adjacent to the Ambassador Bridge generally located within 24 blocks between Bagley Avenue and Fort Street, and along Ste. Anne Street and the Fisher Freeway. The changes are being requested so that the zoning of these properties will better comply with the Hubbard-Richard urban renewal plan and to better reflect the current use of these properties. The subject area is located within the Hubbard-Richard urban renewal area which is regulated by the Hubbard-Richard Rehabilitation Project Third Modified Development Plan.

CPC staff member Christopher Gulock reviewed the background information and surrounding zoning and land use.

Over the years, land within 21 of the 24 blocks has been acquired by either the DIBC or the United States General Services Administration (GSA) and redeveloped with uses supporting

Ambassador Bridge operations; however, the City continues to own a few parcels. The 21 blocks contain a mix of zoning categories, including R2 (Two-Family Residential District), R3 (Low Density Residential District), B4 (General Business District), and M3 (General Industrial Business District).

Recent expansions of Bridge operations have been north of Porter Street between 20th and 21st Street. Much of this area was previously developed with residential structures which have since been removed. In 2004, GSA and the DIBC developed an expanded staging area for trucks exiting the Bridge and a parking lot for employees working at the Bridge. The DIBC enclosed this area with a 10-foot high decorative brick wall about 270 feet south of Bagley Avenue and adjacent to the north/south alley first west of Ste. Anne Street. The Mexicantown Community Development Corporation in cooperation with the Michigan Department of Transportation (MDOT) and the City is constructing an International Welcome Center/Mercado project on the north and south sides of Bagley Avenue between 21st and 20th Street. The parking lot for the Welcome Center would be just north of the aforementioned wall constructed by the DIBC. The Bagley Housing Association is constructing new infill single-family houses along the west side of Ste. Anne south of Bagley Avenue; the aforementioned brick wall constructed by the DIBC is at the rear of these houses.

Another recent expansion area has been west of Ste. Anne and between West Lafayette Avenue and Fort Street. During the past five years, the DIBC has acquired this land and constructed additional inspection booths utilized by United States Customs. The DIBC installed a decorative brick wall along Ste. Anne Street between West Lafayette and Fort Street.

The 3 blocks on the west side of 21st Street between the east/west alley first south of Bagley Avenue and Porter Street are currently zoned R2 and vacant. It appears over the years that most of this land has been acquired by the Michigan Department of Transportation (MDOT) although some of the land is owned by the City.

The DIBC is requesting to rezone 21 blocks from R2, R3, B4, or M3 to the B6 (General Services District) zoning classification. Also, the DIBC, on behalf of MDOT, is requesting to rezone 3 blocks from R2 to B4. Rezoning the 21 blocks to B6 would reflect the existing use of the land by the DIBC and GSA for bridge operations.

For the 3 blocks between 21st Street and the Fisher Freeway, MDOT would like to use this land to support the Ambassador Bridge Gateway Project. Part of this land will be used for right-of-way alterations along the Fisher Freeway, and the remainder would be used for parking to support the Gateway project, the Welcome Center, and Mercado.

The Detroit Zoning Ordinance was recently amended to specify that tunnel or bridge plaza and terminals are allowed as by-right uses in only B6 and M4. Previously, the Zoning Ordinance did not specifically reference where Bridge uses were allowed, so by default they appeared to be allowed in M4 and M5.

In April 2005, Detroit City Council approved a comprehensive revision of the Hubbard-Richard Plan. The previous Plan included 5 specific land use categories--residential,

commercial, parks, industrial, and institutional. The area around the Bridge plaza included a variety of land use designations.

When amending the Plan, the Planning and Development Department (P&DD) decided to create a new land use category, "Bridge and Bridge Related" uses. In the amended Plan, the City designated the land area generally located 270 feet south of Bagley on the north, the north/south alley first west of Ste. Anne Street on the east, Fort Street on the south, and the Fisher Freeway on the west for Bridge and Bridge Related uses. The recommended Proposed Zoning map in the Plan shows this area as zoned B6.

The Plan shows the subject 3-block area west of 21st Street as commercial. The recommended Proposed Zoning map shows this area as zoned B4.

The subject area is within the Hubbard-Richard Corktown subsector of the Southwest sector of the Master Plan of Policies. The recommended future land use map appears to designate distribution or light industrial uses for the subject area.

At the time the Hubbard-Richard Development Plan amendments were being considered, residents and area stakeholders were invited to comment on the Plan changes. Several spoke at various times about the importance of the Bridge no longer encroaching into the commercial or residential areas north and east of the Bridge. No one appeared to oppose designating the subject land as Bridge and Bridge Related uses or recommending that the land be rezoned to B6.

The CPC table packets included a July 21, 2005 letter from the Gateway Communities Development Collaborative (GCDC). CPC staff's interpretation of the letter was that the GCDC was not in opposition to the rezoning. However, the GCDC reiterated its position that in the future all expansion of U.S. Customs or Ambassador Bridge related activity should occur to the south and west of the current facility. The GCDC felt strongly that the DIBC expansion must go no further east or north than the boundary created by the current rezoning request and that further expansion south and west must be constrained by the Detroit West Riverfront Plan's proposed footprint for the Ambassador Bridge Plaza. Also, a portion of the rezoning request supports the development of a parking lot for the Mexicantown International Welcome Center and Mercado.

Commissioner Williams questioned whether the GCDC is assuming that the CPC would be approving a rezoning that has already occurred. Mr. Gulock and Commissioner Wendler explained the history of expansion of bridge related activities including a decision by the Wayne County Circuit Court in 2001 to support the DIBC's request for a zoning variance for properties east of 21st Street and south of Lafayette. Subsequent to the decision, the DIBC completed its planned improvements to the properties. The GCDC feels that there is no longer any reason to object to the expansion because it has already occurred. But, in the future, all expansion of the U.S. Customs or Ambassador Bridge related activity should occur to the south and west of the current facility.

No representative of the DIBC was present at the public hearing.

The following person spoke at the public hearing.

Matthew Aldridge, 1739 Ste. Anne, past Chair of the Hubbard Richard Citizens District Council, expressed concern. Mr. Aldridge disagreed on the final land use designation in the Development Plan. He also disagreed with the conclusion that the City has to rezone the property given that it is already developed. Mr. Aldridge supported a more punitive approach in the future. He agreed with the GCDC in that there is nothing the community can do. If the Commission voted to deny the rezoning, there would be very little the community could do to see that the property reverted back to residential. In the future, the City should be active and strict on bridge-related actions that benefit commercial over residential interests. Mr. Aldridge relayed history of the bridge expansion in the area. Commissioner Wendler cited the court case in which the Judge determined that the Bridge, as a federal instrumentality, had the right to build on its own land and be exempt from compliance with the zoning. The City has appealed the decision, and some members of the GCDC have joined with the Michigan Municipal League in submitting an amicus brief in support of the appeal. Mr. Aldridge felt it was absurd that a bridge company could be designated a federal instrumentality. The City should use what it can to assure that the residents, citizens and taxpayers are also considered.

Commissioner Cason felt that the case could be put under the category of national security.

Commissioner Williams felt that the rezoning should not come after the fact.

Mr. Gulock presented additional background information regarding the land north of Porter in the 1990's when the GSA wanted to expand the bridge plaza.

The matter was taken under advisement.

OLD
BUS.—
TIFA
Amend-
ments:

Further consideration was given to the request of the Downtown Development Authority (DDA) to amend the Downtown Development Authority Tax Increment Finance Plan and Development Plan for Development Area No. 1.

Present for the discussion was Art Papapanos of the DDA.

CPC staff member Gregory Moots reviewed the background information and CPC staff's analysis.

Major changes include modification to the Book Cadillac Hotel, the East Riverfront District, the Lower Woodward Improvement Agenda, the EDS relocation, Downtown General Development, and the Housing/Office/Retail Development and Absorption Plan projects.

The estimated annual tax increment revenue has been increased by approximately \$84 million to more accurately reflect current conditions and project status. Values of loan repayments to DDA are corrected to reflect the actual value for the years 2001-2005. Estimated interest income over the duration of the Plan is increased from \$58.37 to \$72.77 million.

The developer for the Book Cadillac Hotel project previously identified in the plan has been replaced with another developer with whom the DDA is in negotiation. In addition to

previous funding commitments, the DDA is proposing to guarantee with loans any reduction in the anticipated historic tax credits.

As to the East Riverfront District project, the Economic Development Corporation (EDC) will reimburse the DDA \$6 million of the \$16 million that it has disbursed for this project since a portion of the project is in the EDC's Waterfront Reclamation and Casino Development District area.

A total of \$500,000 is being moved from the Facade Easement Program to the Streetscape Improvements Project for the Lower Woodward Improvement Agenda. In addition, \$2.5 million is proposed be added to the initial allocation for Streetscape Improvements.

The initial allocation of \$67.58 million for the Housing/Office/Retail Development and Absorption Plan programs is proposed to be increased by \$63.03 million for the duration of the Plan. This increased funding is slated to come from the projected increase in TIF revenues.

As part of the incentive package to attract EDS, the DDA committed to provide reduced-price parking for a period of up to 10 years at an approximate cost of \$6 million. In addition, the DDA proposes to provide a \$3 million grant to the landlord toward the cost of tenant improvements to the EDS offices.

The original \$26.78 million allocated to the Land Assemblage program for the Downtown General Development project has been depleted. The project is proposed to be increased by \$66.05 million for the duration of the Plan. This increased funding is slated to come from the projected increase in TIF revenues.

Public Act 13 of 2005 amended Act 197 to allow the DDA to capture \$8 million of school taxes to implement a demolition program for the Downtown District. The City, DDA, or a private developer may use the funds. The funds may be used to demolish buildings that are declared dangerous by the City, ordered demolished by a court order, be subject to a Development Agreement between the DDA and a third party, or the subject of a negotiated agreement between the DDA and the owner.

CPC staff felt that the amendments were generally in accord with current policies. As the Plan extends until fiscal year 2026-27, it could be implemented in a myriad of ways. The large sums of money allocated to the Land Assemblage program and Housing/Office/Retail Development and Absorption Plan programs would have a large impact on the downtown area over the next 20 years. City Council's Fiscal Analyst will be asked to review the amount of TIF revenues generated by the amendments.

CPC staff recommended approval of the proposed changes to the Tax Increment Finance Plan and Development Plan for Development Area No. 1.

ACTION: Commissioner Wendler moved to approve the CPC staff recommendation. Commissioner Cason seconded the motion. Motion carried.

OLD BUS.-- Further consideration was given to the request of the Michigan Department of
Draft Transportation (M-DOT) to approve the Draft Environmental Impact Statement (DEIS) for
DEIS for the Detroit Intermodal Freight Terminal (DIFT).
the DIFT:

CPC staff members Christopher Gulock and Kimberly James provided background information and presented additional feedback from community representatives. The feedback was contained in a July 14, 2005 memo from the Working Group for a Community Benefits Agreement on the DIFT Project to the Detroit City Council and included a “white paper”. Copies of the memo, the white paper, and a draft resolution submitted by Council President Maryann Mahaffey to City Council on July 21, 2005 seeking support for investment in Southwest Detroit were included in the CPC table packets.

The Working Group is requesting that the Commission consider a resolution stating that “no action” is an unacceptable option and will undermine community revitalization in Southwest Detroit. Also, as currently proposed, Alternatives #2, #3, and #4 do not go far enough in addressing community concerns, and that a Community Benefits Agreement resulting in concrete infrastructure improvements, job expansion, protection of community assets, and greater coordination of transportation planning is required.

Representatives of several community groups listed some specific requirements, which the proposed DIFT project must or should include. CPC staff agreed with the suggestions of the community including no intermodal development at the Michigan Central Depot; no continued incremental expansion of the terminal outside an agreed-upon boundary; buffering and landscaping of the perimeter land around the entire yard, particularly along Dix; permanently close the West Vernor, Livernois, and Waterman gate; repair, repave and maintain all of the roadways that have suffered the most inappropriate levels of truck traffic; repair, light, and maintain all of the railroad viaducts, including proper drainage; engage MDOT, FHWA, SEMCOG and the community in a process to review all the transportation routes in the communities and enforce agreed-upon results--removing trucks from residential and neighborhood commercial streets; incorporate best practices for air quality improvements and mitigation; incorporate the latest sustainable environmental practices; relocate viable businesses within the neighborhood; the need for economic development associated with freight transportation, such as distribution and logistic centers; the need for a percentage of the jobs created at the terminal, the distribution and logistics centers, as well as terminal construction, to go to southwest Detroit and southeast Detroit residents; the need for implementation of a training program to support resident employment; the need for a community benefits agreement; the need for community representation on the implementing agency; and the need for a comprehensive assessment of all area transportation projects.

CPC staff also felt that acquiring the existing intermodal container yard on the north side of Dix west of Waterman should be explored. The large piece of land adjacent to the Livernois-Junction yard is very poorly maintained, and could meet the capacity requirements of the DIFT.

CPC staff felt that the feasibility of keeping Lonyo open by creating an underpass should be explored. Closing Lonyo might overly disrupt community cohesion and force too much traffic onto Central. Several persons at the DIFT public hearings raised concerns about Lonyo being closed. If Lonyo is kept open, then CPC staff recommended studying the

elimination of all or parts of the proposed perimeter road. CPC staff would rather have vehicles use Michigan Avenue or Dix. Eliminating the perimeter road might free up more land for buffering or reduce the amount of acquisition needed. A new gate at Lonyo north of Dix should not be permitted. CPC staff felt that gates should be required only for both Livernois and Wyoming.

CPC staff felt that lighting should be screened from adjacent residential neighborhoods and reduced at night; that rail activity, particularly train assembly, should be limited at night; and that viable houses should be relocated within the neighborhood.

CPC staff supported the Working Group's position that "no action" is an unacceptable option and will undermine community revitalization in Southwest Detroit. As currently proposed, Alternatives #2, #3, and #4 do not go far enough in addressing community concerns. A Community Benefits Agreement resulting in concrete infrastructure improvements, job expansion, protection of community assets, and greater coordination of transportation planning is required.

CPC staff felt that for the Livernois-Junction yard, the possible DIFT benefits (i.e. paving the yard and installing appropriate buffering), moving access gates to both Wyoming and Livernois, and allowing MDOT to address the intermodal needs of the State, make it acceptable to favor an action alternative.

Upon questioning, Mr. Gulock noted that the deadline date for responding to the draft DEIS is August 13, 2005.

Commissioner Christensen inquired as to whether the CPC office had received any written communications from the community groups and entities that had broken away from the communities representing the Working Group for a Community Benefits Agreement. The DIFT project will hurt people residing in southwest Detroit and Dearborn. He suggested obtaining a written response from ACCESS prior to taking action on the draft DEIS. He noted that he resides in proximity to Dix Avenue in southwest Detroit. He countered claims that suggested the traversing of 500 trucks south on Central Ave.

**ACTION: Commissioner Glenn moved to table action to the next CPC meeting.
Commissioner Glaser seconded the motion.
Motion carried.**

NEW
BUS.--
CPC
Meeting
Schedule:

The Commission agreed to hold their Regular Meetings for the months of August and September on August 4, September 8 and September 22, 2005.

Director's
Report:

Deputy Director Marcus Loper presented the Director's Report.

City Council approved the final design plans for the MotorCity Casino and the EDC Mt. Elliott-Wight Project Plan. Further City Council discussion on the EDC Waterfront East Development and Springwells Industrial Park projects are scheduled for July 22, 2005.

Interviews for appointments to the CPC are scheduled for Friday, July 22, 2005 for Commissioner Cason and Thursday, July 28, 2005 for Commissioners Christensen and Williams and Ann Kerwin.

The table packet included a resolution approved by the City Council in support of an initiative by the Insurance Purchasing Group to develop an auto insurance purchasing group and a home insurance purchasing group as a means of lowering insurance premiums.

City Council has asked the Administration for monthly reports, beginning the last Friday of September and continuing the last Friday of every month thereafter, on the City's progress in billing property owners for demolition costs. Buildings and Safety Engineering would provide the list of property owners to the Finance Department; Finance would bill the owners and collect the fees; and the Law Department would follow up and file delinquent notices.

On July 27, 2005 City Council will be presenting Spirit of Detroit awards to current and former members of the Citizen Review Committee and a testimonial resolution to former City Planning Commissioner John Slater.

In response to Commissioner Glenn, Mr. Loper noted that the Police Department is responsible for enforcing the ordinance regulating truck parking.

Adj.: The meeting was adjourned at 7:10 PM.